

Calendar No. 102

117TH CONGRESS }
1st Session }

SENATE

{ REPORT
117-29

LUKE AND ALEX SCHOOL SAFETY
ACT OF 2021

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 111

TO ESTABLISH THE FEDERAL CLEARINGHOUSE ON SCHOOL
SAFETY BEST PRACTICES, AND FOR OTHER PURPOSES



JULY 19, 2021.—Ordered to be printed

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LUKE AND ALEX SCHOOL SAFETY ACT OF 2021

JULY 19, 2021.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 111]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 111) to establish the Federal Clearinghouse on School Safety Best Practices, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 111, the Luke and Alex School Safety Act of 2021 (LASSA), is to codify the Federal Clearinghouse on School Safety Best Practices (“Clearinghouse”). The Clearinghouse is designed to inform school and community officials and parents on the best practices for school safety measures, as well as available resources for implementing such measures in their schools, and specify criteria for best practices and a process for the Clearinghouse. Specifically this bill aims to create a codified structure for the Clearinghouse, which would be the primary resource of the Federal Government to identify and publish the best practices and recommendations for school safety for use by State and local edu-

cational agencies, institutions of higher education, State and local law enforcement agencies, health professionals, and the general public. The bill also requires the Federal agencies involved in the development of the Clearinghouse—the Department of Homeland Security (DHS), Department of Justice (DOJ), the Department of Health and Human Services (HHS), and the Department of Education (Education)—to notify their state counterparts of the Clearinghouse and to identify available Federal and state grant programs for implementing Clearinghouse best practices.¹

II. BACKGROUND AND NEED FOR THE LEGISLATION

The Federal Commission on School Safety, established following the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, released its final report on December 18, 2018.² The Federal Commission made the following recommendation:

One of the biggest concerns raised by schools and school districts since the Parkland shooting has been their inability to easily sift through the multitude of security options, equipment, technologies, etc., that are available to their schools. As a way to address this, many individuals in the school security community have suggested the establishment of a federal clearinghouse that could assess, identify, and share best practices on school security. The federal government should develop a clearinghouse to assess, identify, and share best practices related to school security measures, technologies, and innovations.³

The bill requires Education, HHS, DHS, and DOJ to coordinate in establishing and maintaining the Clearinghouse to inform the public on the best practices for school safety measures, as well as ensure the Clearinghouse contents remain current and responsive to evolving best practices. The bill also requires these agencies to notify their state and local level partners about the Clearinghouse and survey existing grant programs or resources that can be used to improve school safety. The Clearinghouse is further required to develop materials to assist parents seeking to identify the best practices in place in their schools and how to engage with appropriate school and community officials for implementing best practices.

III. LEGISLATIVE HISTORY

Senator Ron Johnson introduced S. 111, the Luke and Alex School Safety Act, on January 28, 2021, with Senators Marco Rubio and Rick Scott as co-sponsors. The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs, and the committee considered S. 111 at a business meeting on March 17, 2021. The Committee ordered the bill reported favorably without amendment *en bloc* by voice vote. Senators present for the vote were: Peters, Rosen, Padilla, Portman, Johnson, Lankford, Romney, Scott, and Hawley.

¹ On November 6, 2019, the Committee approved S. 2779, the Luke and Alex School Safety Act with amendments. That bill is substantially similar to S. 111. Accordingly, this committee report is in many respects similar to the committee report for S. 2779, S. Rept. No. 116–193.

² Federal Commission on School Safety, *Final Report of the Federal Commission on School Safety* (Dec. 18, 2018) (<https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>).

³ *Id.* at 126.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the “Luke and Alex School Safety Act of 2021.”

Section 2. Federal Clearinghouse on school safety best practices

This section establishes the Clearinghouse in the Homeland Security Act of 2002. The Clearinghouse is required to be developed by DHS, in coordination with Education, DOJ, HHS, and will serve as the primary resource of the Federal Government to identify and publish the best practices and recommendations for school safety. The Clearinghouse best practices and recommendations must involve comprehensive school safety measures to improve the safety posture of a school if implemented, include any evidence or research supporting how the best practice will improve the safety posture of a school, and include information on available Federal grants or resources to help implement the best practices. This section exempts the Clearinghouse from the Paperwork Reduction Act and the Federal Advisory Committee Act to increase and facilitate engagement with non-governmental entities.

The bill allows the Clearinghouse to consult with a variety of officials, experts, and stakeholders in developing the Clearinghouse, such as parents, state, local, and Tribal officials, school security officers, security industry professionals, psychologists and mental health professionals, and architects and design professionals. The Clearinghouse is also required to consider recommendations of past commissions on school safety.

This section requires the Clearinghouse to continuously update and improve its contents. The Clearinghouse is required to establish an external advisory board consisting of government, private sector, and nongovernmental organizations, including school parents. This board will provide feedback on the implementation of Clearinghouse best practices, as well as challenges faced in implementation, and propose additional safety measures for potential inclusion as a Clearinghouse best practice. This section also requires the Clearinghouse to create materials specifically for parents to identify Clearinghouse best practices in their schools and to engage with relevant school and government officials on implementation of best practices.

Section 3. Notification of Clearinghouse

This section requires DHS, DOJ, HHS, and Education to issue written notification to their state and local government counterparts about the Clearinghouse, as well as to every appropriate partner that serves a role in school safety.

Section 4. Grant Program review

This section requires DHS, DOJ, HHS, and Education to review and report to Congress on all Federal grant programs that could be used to implement any best practices of the Clearinghouse. The agencies must also try to identify such grant programs administered by each state. Additionally, the Clearinghouse must identify any recommendations for which there is not a Federal grant program that could be used to implement a best practice.

Section 5. Rule of Construction

This section clarifies that nothing in this bill creates, satisfies, or waives any requirement under title II of the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975. In addition, nothing in this bill authorizes Federal Government personnel to engage in activity prohibited by the Department of Education Organization Act.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 26, 2021.

Hon. GARY C. PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 111, the Luke and Alex School Safety Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Aldo Prospero.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

| S. 111, Luke and Alex School Safety Act of 2021 | | | |
|---|------|-------------------------------------|---------------|
| As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on March 17, 2021 | | | |
| By Fiscal Year, Millions of Dollars | 2021 | 2021-2026 | 2021-2031 |
| Direct Spending (Outlays) | 0 | 0 | 0 |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | 0 | 0 | 0 |
| Spending Subject to Appropriation (Outlays) | * | 5 | not estimated |
| Statutory pay-as-you-go procedures apply? | No | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | No |
| * = between zero and \$500,000. | | | |

S. 111 would require the Department of Homeland Security (DHS), in coordination with other federal agencies, to disseminate information on school safety measures to state and local education agencies. The bill would direct DHS to work with other federal agencies to identify existing grant programs that can support school safety improvements.

The bill also would require DHS to establish an advisory board composed of nonfederal entities to provide feedback on the information that the department distributes and to make recommendations for additional school safety measures.

On the basis of information from DHS about the costs of similar activities, CBO estimates that staff salaries, travel costs, and other expenses would total about \$1 million each year and \$5 million over the 2021–2026 period; such spending would be subject to the availability of appropriations.

The CBO staff contact for this estimate is Aldo Prospero. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. * * *

* * * * *

Title XXII—Cybersecurity and Infrastructure Security Agency

* * * * *

2216. *Federal Clearinghouse on School Safety and Best Practices.*

* * * * *

TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

* * * * *

Subtitle A—Cybersecurity and Infrastructure Security

* * * * *

SEC. 2216. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY BEST PRACTICES.

(a) *ESTABLISHMENT.*—

(1) *IN GENERAL.*—*The Secretary, in coordination with the Secretary of Education, the Attorney General, and the Secretary of Health and Human Services, shall establish a Federal Clearinghouse on School Safety Best Practices (in this section referred to as the “Clearinghouse”) within the Department.*

(2) *PURPOSE.*—*The Clearinghouse shall be the primary resource of the Federal Government to identify and publish online through SchoolSafety.gov, or any successor website, the best practices and recommendations for school safety for use by State and local educational agencies, institutions of higher education, State and local law enforcement agencies, health professionals, and the general public.*

(3) *PERSONNEL.*—

(A) *ASSIGNMENTS.*—*The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.*

(B) *DETAILEES.*—*The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services may detail personnel to the Clearinghouse.*

(4) *EXEMPTIONS.*—

(A) *PAPERWORK REDUCTION ACT.*—*Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”) shall not apply to any rulemaking or information collection required under this section.*

(B) *FEDERAL ADVISORY COMMITTEE ACT.*—*The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply for the purposes of carrying out this section.*

(b) *CLEARINGHOUSE CONTENTS.*—

(1) *CONSULTATION.*—*In identifying the best practices and recommendations for the Clearinghouse, the Secretary may consult with appropriate Federal, State, local, Tribal, private sector, and nongovernmental organizations.*

(2) *CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.*—*The best practices and recommendations of the Clearinghouse shall, at a minimum—*

(A) *involve comprehensive school safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of a school upon implementation;*

(B) *include any evidence or research rationale supporting the determination of the Clearinghouse that the best practice or recommendation under subparagraph (A) has been shown to have a significant effect on improving the health, safety, and welfare of persons in school settings, including—*

(i) *relevant research that is evidence-based, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), supporting the best practice or recommendation ;*

(ii) *findings and data from previous Federal or State commissions recommending improvements to the safety posture of a school; or*

(iii) *other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety posture of a school upon implementation; and*

(C) *include information on Federal grant programs for which implementation of each best practice or recommendation is an eligible use for the program.*

(3) *PAST COMMISSION RECOMMENDATIONS.*—*To the greatest extent practicable, the Clearinghouse shall present, as appropriate, Federal, State, local, Tribal, private sector, and non-governmental organization issued best practices and recommendations and identify any best practice or recommendation of the Clearinghouse that was previously issued by any such organization or commission.*

(c) *ASSISTANCE AND TRAINING.*—*The Secretary may produce and publish materials on the Clearinghouse to assist and train educational agencies and law enforcement agencies on the implementation of the best practices and recommendations.*

(d) *CONTINUOUS IMPROVEMENT.*—*The Secretary shall—*

(1) *collect for the purpose of continuous improvement of the Clearinghouse—*

(A) *Clearinghouse data analytics;*

(B) *user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and*

(C) *any evaluations conducted on implementation of the best practices and recommendations of the Clearinghouse; and*

(2) *in coordination with the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General—*

(A) *regularly assess and identify Clearinghouse best practices and recommendations for which there are no resources available through Federal Government programs for implementation; and*

(B) establish an external advisory board, which shall be comprised of appropriate State, local, Tribal, private sector, and nongovernmental organizations, including organizations representing parents of elementary and secondary school students, to—

(i) provide feedback on the implementation of best practices and recommendations of the Clearinghouse; and

(ii) propose additional recommendations for best practices for inclusion in the Clearinghouse.

(e) PARENTAL ASSISTANCE.—The Clearinghouse shall produce materials to assist parents and legal guardians of students with identifying relevant Clearinghouse resources related to supporting the implementation of Clearinghouse best practices and recommendations.

* * * * *